

REMARKS

Claims 1, 3, 5-7, 9-11 and 13-38 are pending in this application. Claims 17-20 and 24-29 are currently withdrawn. By this Amendment, claim 1 is amended to incorporate the subject matter of original claims 2 and 4. Claim 7 is amended to incorporate the subject matter of claim 8. Claim 10 is amended to incorporate the subject matter of original claim 12. Claims 3, 11, 21-23, 26 and 29 are amended to correct a minor typographical error. Paragraph [0039] of the specification is amended to correct a minor typographical error. Claims 2, 4, 8 and 12 are canceled. No new matter is added by this Amendment.

The courtesies extended to Applicants' representative by Examiner McCulley and Examiner Sellers at the interview held September 5, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

I. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-16, 21-23, 32, 33 and 36-38

Claims 1-16, 21, 22, 23, 32, 33 and 36-38 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,210,853 ("Patel"). Applicants respectfully traverse this rejection.

The Patent Office alleges that Patel describes a process for forming a curable powder/toner from an aqueous latex dispersion, aggregating the resin particles, and coalescing and removing the resin particles. See Office Action, page 3. Applicants respectfully disagree.

First, Patel does not describe that the aggregated latex particles are curable particles. Patel merely describes a method of: (1) providing a surfactant free latex emulsion, (2) aggregating and coalescing the latex emulsion with an aqueous dispersion of colorant particles coated with sulfonated polyester groups and (3) adding a cationic coagulant during

the homogenization or blending stage to provide a toner. See Patel, col. 1, lines 30-49.

However, Patel does not describe an aggregated latex particle containing a substituent with a double bond on an unsaturated polyester structure to form a "cure" with the individual resin monomers. As such, the sulfonated polyester resins described in Patel are not curable.

Furthermore, Patel does not describe the curable powder formed by the curing agents of claim 7 or the use of a curing agent in the processes of claims 1 and 10. The Patent Office alleges that the processes of Patel occur in the presence of an initiator and catalyst/curing agent. See Office Action, page 3 (citing Patel, col. 4, lines 5-8). Moreover, the Patent Office alleges that Patel describes that bisphenol A would inherently act as a curing agent. See Office Action, page 3 (citing Patel, col. 6, line 24).

However, as acknowledged during the interview, Patel does not describe a "bisphenol A" curing agent, but a "propoxylated bisphenol A-sodio 5-sulfoisophthalate" polyester resin, wherein the bisphenol A component is a monomer used to prepare the much larger polyester resin. As such, the bisphenol A component described in Patel does not cure the polyester resin because bisphenol A has become imbedded within the polyester resin structure during aggregation and can no longer cure the resin.

In contrast, the present claims recite a method where the curing agent is added (1) after the aggregated curable resin particles are coalesced (claim 1) or (2) during the aggregation of the curable resin particles (claim 10). In the method recited in either claim 1 and claim 10, the curing agent is not imbedded within the polymer structure, but retains its ability to cure the curable resin particles.

For the foregoing reasons, Patel does not anticipate the subject matter of the present claims. Withdrawal of the rejection is requested.

B. Claims 1, 7, 34 and 35

Claims 1, 7, 34 and 35 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,989,629 ("Sacripante"). Applicants respectfully traverse this rejection.

Applicants have amended claim 1 to recite the subject matter of claims 2 and 4, comprising the additional step of adding at least one curing agent to the fused particles, and wherein the at least one curing agent is selected from the group consisting of polyfunctional amines, dicyanodiamide, bisphenol A, bisphenol S, hydrogenated bisphenol, polyphenolics, imidazoles, beta-hydroxy-alkylamide, urethdione, and polyfunctional isocyanates.

As such, Sacripante does not describe the addition of at least one curing agent to the fused particles and further does not describe the specific curing agents recited in claim 1. As such, Sacripante does not anticipate the subject matter of the present claims.

Withdrawal of the rejection is respectfully requested.

C. Conclusion

In view of the foregoing amendments and arguments, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejections.

II. Rejection Under 35 U.S.C. §103(a)

Claims 30 and 31 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Patel in view of U.S. Patent No. 6,491,973 ("Davydov"). Applicants respectfully request withdrawal of this rejection.

The Patel Office admits that Patel does not disclose dry-blending the fused particles with at least one additive, as described in claims 30 and 31. The Patent Office introduces Davydov as allegedly teaching this feature.

For the same reasons described above, Patel does not describe the subject matter recited in claim 1. Furthermore, Davydov does not remedy the deficiencies of Patel.

Davydov merely describes dry blending particles with a filler additive. See Davydov, col. 2, lines 26-31. However, Davydov also does not describe the process of forming a curable powder by (1) aggregating, in an aqueous dispersion, particles including at least curable resin particles to form aggregated particles; (2) coalescing the aggregated particles to form fused particles; (3) adding at least one curing agent to the fused particles, and (4) removing the fused particles, from the aqueous dispersion, wherein the at least one curing agent is selected from the group consisting of polyfunctional amines, dicyanodiamide, bisphenol A, bisphenol S, hydrogenated bisphenol, polyphenolics, imidazoles, betahydroxy-alkylamide, uretdione, and polyfunctional isocyanates, as recited in amended claim 1.

As such, Davydov, in combination with Patel, would not have provided one of ordinary skill in the art with any reason or rationale to have formed a curable resin powder from the method described in claim 1.

Withdrawal of the rejection is respectfully requested.

III. Double Patenting

Claims 1, 5 and 6 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 9 of U.S. Patent No. 5,593,807 ("Sacripante").

Claims 1, 5 and 6 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 17 of Patel.

Claims 1, 30 and 31 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 13, 27 and 28 of copending Application No. 10/765,327.

As discussed above, Applicants have amended claim 1 to include the subject matter of claims 2 and 4, which as admitted by the Patent Office, is not described in claims of

Sacripante, Patel and copending Application No. 10/765,327. As such, each of the rejections and the provisional rejection should be withdrawn.

Withdrawal of the obviousness-type double patenting rejections is thus respectfully requested.

IV. Rejoinder

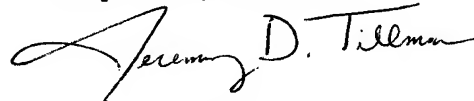
In view of the foregoing amendments and arguments, Applicants respectfully request rejoinder of claims 17-20 and 24-29.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 5-7, 9-11 and 13-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jeremy D. Tillman
Registration No. 62,639

JAO:JDT/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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